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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 ERIC STILLER and JOSEPH MORO, on
12 behalf of themselves and all others
13 similarly situated,

14 Plaintiffs,

15 vs.

16 COSTCO d/b/a/ COSTCO WHOLESALE
17 CORPORATION; and DOES 1 through
18 25, inclusive,

19 Defendants.

CASE NO. 09-CV-2473 H (BLM)

**ORDER REGARDING
PROPOSED NOTICES TO
CLASSES**

[Doc. No. 109]

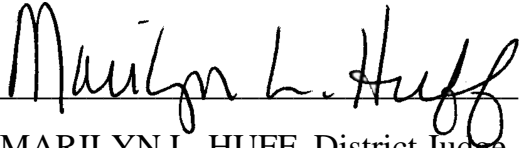
20 On February 10, 2011, the parties submitted a joint request for the Court to approve
21 their proposed notices. (Doc. No. 109.) The joint request contained a proposed notice to the
22 nationwide (FLSA) class and a proposed notice to the California (Rule 23) class. (Id. Exs. A-
23 B.)

24 The Court approves the notice to the nationwide (FLSA) class. However, as to the
25 California (Rule 23) class, the Court notes that Federal Rule of Civil Procedure 23(c)(2)(B)
26 requires that for any class certified under Rule 23(b)(3), the required notice to the class must
27 “clearly and concisely state in plain, easily understood language: . . . (iv) that a class member
28 may enter an appearance through an attorney if the member so desires; . . . and (vii) the
binding effect of a class judgment on members under Rule 23(c)(3).” The Court directs the

1 parties to confer and re-submit their joint proposed notices with the required language as to the
2 California (Rule 23) class, or advise the Court through briefing as to why the required
3 statements should not be included on or before February 28, 2011.

4 **IT IS SO ORDERED.**

5 DATED: February 14, 2011

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7 MARILYN L. HUFF, District Judge
8 UNITED STATES DISTRICT COURT
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